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10/564,414	01/12/2006	Noriyuki Sakoh	283098US6PCT	8040

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EXAMINER
SHIU, HO T

ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09/18/2009_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 are pending in this application.   Claims 1, 6, 9, 14, and 17-18 have

been amended by Applicant's amendment filed on 09/18/2009.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 1-20 rejected are under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention.

4.   With respect to claims 1, 6, 9, 14, and 17-18, applicants in claim 1, line 12-14,

claim "said proxy device complying with an HTTP standard except that a file size is

never removed from the acquire/use file when passing the acquire/use file through the

proxy device." According to applicant's statements, according to section 4.4 of the

HTTP standard, a proxy device under the HTTP standard always removes some

information from a message with respect to applicant's claimed invention "never

removes the file size from the acquire/use file when passing the acquire/use file through

the proxy device." In view, applicant's statements state that HTTP compliant

communication device must always remove some information thereby making the proxy

device disclosed in Sato unsuitable for reading on the claims of "never removes the file

size from the acquire/use file when passing the acquire/use file through the proxy

device. According to the definition of HTTP standards, in order to be compliant with

HTTP standard, the acquire/use file has to be removed/altered. In view of such

statement, applicant's contradicts these statements by stating that applicant's proxy

device is compliant with HTTP standards but never removes the file size from the

acquire/use file when passing the acquire/use file through the proxy device.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1-3, 5-11, 13-18 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Sato (US Patent # 7,299,271 B2, hereinafter Sato) in view of

Kyojima et al (US Patent # 6,275,936 B1, hereinafter Kyo) and in further view of

Takaragi et al. (US Patent # 6,592,032 B1, hereinafter Tak).

7.   With respect to claims 1, 9, and 17, Sato discloses a content acquisition method,

device, and computer readable recording medium storing a program, which when

executed by a processor, causes the processor to execute a procedure comprising:

sending file request information that requests an acquire/use file storing acquire/use

content identification information and content attribute information, to an acquire/use

information providing device (col. 2, lines 62-33, col. 3, lines 1-8), receiving via a proxy

device (col. 6, lines 17-23), said acquire/use file that stores the content identification

information and said attribute information of said content data sent by said acquire/use

information providing device in response to the content data request, said content

identification information and content attribute information are stored in a data area such

that no information is removed from said content identification information and content

attribute information when the acquire/use file passes through said proxy device (col. 6,

lines 24-36, col. 2, lines 25-28, A proxy server that passes all requests and replies

unmodified is called a gateway or tunneling proxy. Residential gateways are also known

as routers), said receiving via a proxy device including receiving said acquire/use file

sent in compliance with HTTP (Hyper Text Transfer Protocol) from said acquire/use

information providing device, said proxy device complying with an HTTP standard

except that a file size is never removed from the acquire/use file when passing the

acquire/use file through the proxy device (col. 2, lines 25-28, col. 3, lines 29-36, A proxy

server that passes all requests and replies unmodified is called a gateway or tunneling

proxy. Residential gateways are also known as routers); sending step of sending

content request information requesting said content data from a content providing

device according to said acquire/use information contained in said acquire/use file (col.

6, lines 50-55); receiving said content data sent by said content providing device in

response to the transmission of said content request information (col. 7, lines 4-10).

  Although Sato discloses the claimed invention, Sato does not clearly disclose

said content identification information and content attribute information are stored in a

data area such that no information is removed from said content identification

information and content attribute information when the acquire/use file passes through

said proxy device.

  However, in the same field of endeavor, Kyo discloses said content identification

information and content attribute information are stored in a data area such that no

information is removed from said content identification information and content attribute

information when the acquire/use file passes through said proxy device (col. 12, lines

28-35). Sato and Kyo are analogous are because they disclose transmitting

information.

  Therefore it would have been obvious to a person of ordinary skill in the art at the

time the invention was made to incorporate the teachings of Sato with said content

identification information and content attribute information are stored in a data area such

that no information is removed from said content identification information and content

attribute information when the acquire/use file passes through said proxy device as

disclosed in Kyo in order to prevent any user from changing the information. One of

ordinary skill in the art would have been motivated to incorporate the teachings with one

another to establish a more efficient system so that statistical work, inspection or the like would be available.

Sato and Kyo clearly disclose the claimed invention. Furthermore, Tak discloses said content identification information and content attribute information are stored in a data area such that no information is removed when the acquire/use file passes through said proxy device (col. 7, lines 65-67, col. 8, lines 1-14). Sato, Kyo and Tak are analogous are because they disclose transmitting information.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sato and Kyo with the ID and attribute information is sent from the radio base station through a public network to the control apparatus without having any information removed (disclosed when Tak determines that the ID number and the set of attributes have not been altered) as disclosed in Tak in order to provide proxy device compliant with HTTP protocol. One of ordinary skill in the art would have been motivated to incorporate the teachings with one another to establish a more efficient system by utilizing utilize the WWW as a public network just as Sato as stated using the router to connect to the internet.

8.   With respect to claims 2 and 10, Sato discloses wherein the attribute information corresponding to said content data includes data size information of said content data (col. 3, lines 29-32).

9.   With respect to claims 3 and 11, Sato discloses comparing said data size

information of said content data contained in said acquire/use file with a free space of a

recording media to be used to record said content data upon reception (col. 4, lines 15-

20); and notifying a lack of said free space in said recording media for storing the

content data if said free space in said recording media is insufficient (col. 3, lines 37-

41).

10.   With respect to claim 5 and 13, Sato discloses said acquire/use file stores said

content identification information and said attribute information of said content data in its

main section (col. 3, lines 29-36).

11.   With respect to claims 6, 14, and 18, Sato discloses an acquire/use information

providing method, device, computer readable recording medium storing a program

which when executed by a processor causes the processor to execute a procedure

comprising: receiving file request information for requesting an acquire/use file that

stores acquire/use content identification information and content attribute information of

content data, sent by a content acquisition device in response to a request for the

content data by a content data acquisition device (col. 3, lines 22-27); and sending via

a proxy device to said content acquisition device (col. 6, lines 17-23), said acquire/use

file that stores content data content identification information and the attribute

information of the content, said content identification information and content attribute

information are stored in a data area such that no information is removed from said

content identification information and content attribute information when the acquire/use

file passes through said proxy device, in response to the received filed request

information (col. 6, lines 24-36, col. 2, lines 25-28, A proxy server that passes all

requests and replies unmodified is called a gateway or tunneling proxy. Residential

gateways are also known as routers), said sending including sending said acquire/use

file in compliance with HTTP (Hyper Text Transfer Protocol), said proxy device

complying with an HTTP standard except that a file size is never removed from the

acquire/use file when passing the acquire/use file through the proxy device (col. 3, lines

29-36, A proxy server that passes all requests and replies unmodified is called a

gateway or tunneling proxy. Residential gateways are also known as routers).

      Although Sato discloses the claimed invention, Sato does not clearly disclose

said content identification information and content attribute information are stored in a

data area such that no information is removed from said content identification

information and content attribute information when the acquire/use file passes through

said proxy device.

      However, in the same field of endeavor, Kyo discloses said content identification

information and content attribute information are stored in a data area such that no

information is removed from said content identification information and content attribute

information when the acquire/use file passes through said proxy device (col. 12, lines

28-35). Sato and Kyo are analogous are because they disclose transmitting

information.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sato with said content identification information and content attribute information are stored in a data area such that no information is removed from said content identification information and content attribute information when the acquire/use file passes through said proxy device as disclosed in Kyo in order to prevent any user from changing the information. One of ordinary skill in the art would have been motivated to incorporate the teachings with one another to establish a more efficient system so that statistical work, inspection or the like would be available.

Sato and Kyo clearly disclose the claimed invention. Furthermore, Tak discloses said content identification information and content attribute information are stored in a data area such that no information is removed when the acquire/use file passes through said proxy device (col. 7, lines 65-67, col. 8, lines 1-14). Sato, Kyo and Tak are analogous are because they disclose transmitting information.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sato and Kyo with the ID and attribute information is sent from the radio base station through a public network to the control apparatus without having any information removed (disclosed when Tak determines that the ID number and the set of attributes have not been altered) as disclosed in Tak in order to provide proxy device compliant with HTTP protocol. One of ordinary skill in the art would have been motivated to incorporate the teachings with one another to establish a more efficient system by utilizing utilize the WWW as a public

network just as Sato as stated using the router to connect to the internet.

12.   With respect to claims 7 and 15, Sato discloses said attribute information corresponding to said content data includes data size information of said content data (col. 3, lines 29-32).

13.   With respect to claims 8 and 16, Sato discloses said acquire/use file stores said content identification information and said data size information of said content data in its main section (col. 3, lines 29-36).

14.   **Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Kyo and in further view of Tak as applied to claims 1, 2, 9, and 10 and in further view of Dansie et al. (US Patent # 7,308,487 B1, hereinafter Dansie).**

15.   With respect to claims 4 and 12, Sato discloses comparing the data size of received content data with said data size information of said content data contained in said acquire/use file, and determining whether the content data has been successfully received (col. 5, lines 11-21).

        In the same field of endeavor, Dansie discloses a determination step of, after receiving said content data, comparing the data size of received said content data with said data size information of said content data contained in said acquire/use file, and

determining whether or not said content data is successfully received (col. 14, lines 67, col. 15, lines 1-8). Sato, Kyo, Tak and Dansie are analogous are because they disclose transmitting information.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Sato with comparing the data size of received content data with said data size information of said content data contained in said acquire/use file, and determining whether the content data has been successfully received as disclosed in Dansie in order to determine recognize that the file was interrupted or not complete while being transferred. One of ordinary skill in the art would have bee motivated to incorporate the teachings with one another to establish a more efficient system by being able to resume the download of a file if an interruption occurs.

16.   **Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Kyo and in further view of Tak as applied to claim 1 and in further view of Official Notice.**

17.   With respect to claim 19, Sato, Kyo, and Tak do not explicitly state wherein the content data is an audio file.

The examiner takes official notice that it would have been obvious one of ordinary skill in the art at the time the invention was made to have content data as an audio file in order to transfer an audio file from one place/user to another since a data

file can contain any type of data as a user desires.

18.   With respect to claim 19, Sato, Kyo, and Tak do not explicitly state wherein the

content data is a music file.

       The examiner takes official notice that it would have been obvious one of

ordinary skill in the art at the time the invention was made to have content data as a

music file in order to transfer a music file from one place/user to another since a data

file can contain any type of data as a user desires.

                              Response to Arguments

19.   Applicant's arguments with respect to claims 1-20 have been considered but are

not persuasive.

20.   On page 11-12 of applicant's arguments, applicants argue that Sato does not

disclose "said content identification information and content attribute information are

stored in a data area such that no information is removed when the acquire/use file

passes through said proxy device, said receiving via a proxy device including receiving

said acquire/use file sent in compliance with HTTP (Hyper Test Transfer Protocol) from

said acquire/use information providing device. Applicant's also argue that Sato would

have been unsuitable for its intended purpose by modifying the feature of a file going

through a proxy device wherein no information is removed while the proxy device is in

compliant with HTTP protocol. As applicants have stated, Sato clearly discloses using the HTTP protocol to transfer file since it utilizes the internet in which the World Wide Web utilizes a protocol of HTTP. The applicant has submitted a copy of the HTTP standard as has referred and cited section 4.4 of the Content-Length header field

> "If a Content-Length header field (section 14.13) is present, its decimal value in OCTETs represent both the entity-length and the transfer-length. The Content-Length header field MUST NOT be sent if these two lengths are different (i.e., if a Transfer-Encoding header field is present). If a message is received with both a Transfer-Encoding header field and a Content-Length header field, the latter MUST be ignored."

From this passage, the applicant's came to the conclusion that under the HTTP standard, a proxy device *always* removes some information from a message meeting the above description. The examiner cannot understand how this passage describes what the applicant has stated that the proxy device always removes some information. The examiner has understood the cited passage that if a Content-Length header field must not be sent if the entity-length and the transfer-length are different. Also, if a message is received with both a Transfer-Encoding header field and Content-Length header field, the latter must be ignored. There is no mention of removing any type of information in this passage. The examiner respectfully disagrees with applicant's understanding of this passage.

The examiner also notes that even in some way, shape, or fashion, that the above cited passage can be understood as what the applicant has stated, the claimed

limitation clearly contradicts applicant's statement. As the applicant's have stated, the

use of HTTP standard, a proxy device **always** removes some information according to

the HTTP standard. However, the applicant has claimed that "no information is

removed from said content identification information and content attribute information

when the file is passed through the proxy device and while the proxy device is receiving

the file in compliance with the HTTP protocol" and "never removes the file size from the

acquire/use file when passing the acquire/use file through the proxy device." In view,

applicant's statements state that HTTP compliant communication device must always

remove some information thereby making the proxy device disclosed in Sato unsuitable

for reading on the claims of "never removes the file size from the acquire/use file when

passing the acquire/use file through the proxy device." According to the definition of

HTTP standards, in order to be compliant with HTTP standard, the acquire/use file has

to be removed/altered. In view of such statement, applicant's contradicts these

statements by stating that applicant's proxy device is compliant with HTTP standards

but never removes the file size from the acquire/use file when passing the acquire/use

file through the proxy device. A proxy device that "no information is removed from said

content identification information and content attribute information when the file is

passed through the proxy device and while the proxy device is receiving the file in

compliance with the HTTP protocol" and "never removes the file size from the

acquire/use file when passing the acquire/use file through the proxy device" cannot be

in compliant with HTTP standards according to the applicant's definition of HTTP

standard.

While arguing because Sato discloses a proxy device being compliant with HTTP, it cannot violate the HTTP standard so the proxy device in Sato disclosing "no information is removed from said content identification information and content attribute information when the file is passed through the proxy device and while the proxy device is receiving the file in compliance with the HTTP protocol" and "never removes the file size from the acquire/use file when passing the acquire/use file through the proxy device" is not possible. The arguments that the applicant's have provided becomes a lack of enablement for applicant's claimed invention as applicant's have not clearly shown how the claimed invention of a proxy device can be compliant with HTTP standards and "no information is removed from said content identification information and content attribute information when the file is passed through the proxy device and while the proxy device is receiving the file in compliance with the HTTP protocol" and "never removes the file size from the acquire/use file when passing the acquire/use file through the proxy device" is possible except by merely stating that this is what the invention is.

Applicant's claimed invention is a proxy device disclosing "no information is removed from said content identification information and content attribute information when the file is passed through the proxy device when the acquire./use file passes through said proxy device, said receiving via a proxy device including receiving said acquire/use file sent in compliant with HTTP from said acquire/use information providing device" and "never removes the file size from the acquire/use file when passing the acquire/use file through the proxy device". However, applicant's claiming that a proxy

device disclosing "no information is removed from said content identification information

and content attribute information when the file is passed through the proxy device when

the acquire./use file passes through said proxy device, said receiving via a proxy device

including receiving said acquire/use file sent in compliant with HTTP from said

acquire/use information providing device" and "never removes the file size from the

acquire/use file when passing the acquire/use file through the proxy device" will violate

HTTP standards in event making the proxy device not compliant with HTTP. Therefore,

applicant's claimed proxy device cannot be HTTP compliant by definition.

      Sato clearly discloses applicant's claimed invention. In col. 2, lines 25-35, Sato

discloses in fig. 1, that the first PC and second PC are connected to the Internet via the

router. By definition, a proxy server that passes all requests and replies unmodified is

usually called a gateway or tunneling proxy. Residential gateways are also known as

routers. Routers are residential gateways in which by definition passes all requests and

replies unmodified. Sato clearly discloses that the first PC connections to the content

sever via a router using HTTP as a protocol. In order for the first PC to receive

information using HTTP protocol, the router has to forward information using HTTP

protocol. Therefore, Sato discloses a router (proxy device) such that "no information is

removed from said content identification information and content attribute information

when the file is passed through the proxy device and while the proxy device is receiving

the file in compliance with the HTTP protocol" and "never removes the file size from the

acquire/use file when passing the acquire/use file through the proxy device" since

routers are residential gateways in which by definition passes all requests and replies unmodified .

The examiner notes "that a proxy device always removes some information" was not interpreted by the examiner according to the citations the applicants provided. The examiner also notes again that in order to show a contradiction between the applicants claim and applicant's statement, assuming that when using an HTTP standard, the proxy device always removes some information was only interpreted hypothetically.

Conclusion

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to HO SHIU whose telephone number is (571)270-3810.
The examiner can normally be reached on Mon-Thur (8:30am - 4:00pm).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HTS   Ho Ting Shiu
12/22/2009   Patent Examiner
                                                   GAU 2457

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457